

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. 05-90020  
: CHAPTER 7  
AUDREY ELAINE BARR, DEBTOR :

MEMORANDUM AND ORDER

Audrey Elaine Barr (“Debtor”) filed a voluntary Petition under Chapter 7 of the Bankruptcy Code on November 4, 2005. For bankruptcy cases filed after October 17, 2005, certain new requirements are imposed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”). Included are requirements for education both before and after the filing of a bankruptcy Petition.

Mandatory Prebankruptcy Credit Counseling

An individual is ineligible to be a debtor under Title 11 “unless such individual has during the 180 day period preceding the date of filing of the petition. . . received from an approved nonprofit budget and credit counseling agency an individual or group briefing that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.” 11 U.S.C. §109(h)(1). Credit counseling must take place prior to the filing unless the Debtor submits to the Court a certification of exigent circumstances under §109(h)(3)(A). If the certification is satisfactory to the Court, the Debtor has 30 days to comply with the credit counseling requirement. §109(h)(3)(A).

Mandatory Postfiling Financial Management Course

The BAPCPA requires an individual debtor to complete an instructional course concerning personal financial management after filing the Petition in order to obtain a discharge

in a Chapter 7 case. 11 U.S.C. §727(a)(11). An individual who fails to complete an instructional course concerning personal financial management shall not be granted a discharge. Id.

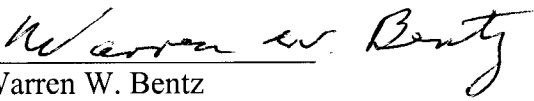
Discussion

Debtor completed the credit counseling requirement on November 7, 2005 as evidenced by Certificate Number 11692375-1 issued by Money Management International. The certificate of credit counseling is filed at Document No. 5 on the docket.

Debtor filed this bankruptcy Petition on November 4, 2005. The Certification indicates that Debtor completed his credit counseling on November 7, 2005, after the filing date. The credit counseling must take place prior to the filing of the petition unless the Debtor files a certification of exigent circumstances.

It is therefore ORDERED that Debtor shall, within 20 days, file a certification which describes the exigent circumstances that merit a waiver of the requirements of §109(h)(1), in default of which the case will be dismissed.

December 27<sup>th</sup>, 2005

  
Warren W. Bentz  
United States Bankruptcy Judge

c: Audrey Elaine Barr

**FILED**

DEC 27 2005

CLERK, U.S. BANKRUPTCY COURT  
WEST. DIST. OF PENNSYLVANIA  
ERIE OFFICE